MINUTES

CRIMINAL & JUVENILE JUSTICE INFORMATION ADVISORY GROUP
MEETING MINUTES

August 11, 2017
9:00 AM -11:00 AM
Room W277, MN Bureau of Criminal Apprehension

Attendees

Advisory Group Members:	Organization
Beaumaster, G. Paul	Minnesota County Attorney's Assn.
Bodie, Marv	Minnesota Association of Counties
Carter Davis, Lolita	Citizen Member
Conklin, Shana	League of MN Cities
Fawcett, Terry	Minnesota Assn. of Counties
Galili, Oded	Bureau of Criminal Apprehension
Holmgren, Steve	1st Judicial District
Johnson, Brian	Minnesota House of Representatives
Kerschner, Deb	Department of Corrections
Khan, Safia	Minnesota Coalition for Battered Women
Lang, Paula	Minnesota Assn for Court Management
McCormick, Jeff	Minnesota Chiefs of Police Association
Miller, David	Attorney General
Ostrem, Mark	Minnesota County Attorney's Assn.
Reitz, Nate	MN Sentencing Guidelines Commission
Revering, Stephanie	Minnesota Chiefs of Police Association
Schmidt, Amy	League of MN Cities
Smith, Rick	Washington County Probation
Washburn, Steve	League of MN Cities
Attendees:	**Organization**
Gotz, Dana	BCA

Oliveira, Jill	BCA
Schiller, Karen	BCA

Welcome and Introductory Items

Chair Deb Kerschner called the meeting to order. Roundtable introductions were made. A motion was made and seconded to approve the May 12, 2017, Advisory Group meeting minutes. A vote was taken. **The motion carried.** A motion was made and seconded to approve the agenda. A vote was taken. **The motion carried.** Deb announced that they received notice from the Governor's office that Steve Tweten, and Lolita Carter Davis, have been appointed as public members; so there is only one open public appointment remaining. She informed the members that Lolita Carter Davis, will be joining today's meeting (at which time she will be introduced). She reported that Jay Arrowsmith DeCoux, who was representing the League of Minnesota Cities has resigned and they will be working to fill this open appointment. Deb then turned the floor over to Amy Schmidt.

Collaborative Relationships & Funding Update

Amy provided the members with the funding request timeline handout, informing them that the legislative request form was in the meeting packet.

Funding Request Timeline:

Prior to Jan. 2, 2018 – Advisory Group members meet with agencies/associations/organizations you represent

- January 2, 2018 – Legislative Funding Request Form submission deadline
- February 9, 2018 – Advisory Group review of proposals received
- May 11, 2018 – Advisory Group will determine which (if any) proposals the group will endorse

She reported that she, Dana Gotz, Shana Conklin, and Paul Beaumaster, make up the core subcommittee, along with other members who attend the meetings more sporadically. She stated that they wanted to present the members with the process cycle and it was during their last meeting that she, Dana, and Shana, talked about this process. Dana explained that (as some of you are aware) the legislature operates on a two year biennium (so every other year is a budget year) and in the past, the Criminal and Juvenile Justice Information Task Force and Policy Group, advocated for legislative funding proposals during the biennium period. She provided the members with examples of past initiatives that received funding because of those efforts. She informed the members that the next budget session is in 2019; and they (the subcommittee) wanted to be sure that there was a process outlined and defined; so the members are ready (in time) to propose identified initiatives through the Advisory Group. She stated that this will give the members time to work through their organizations/associations over the next four months to come up with those proposals (by January) and then present them at the meeting in February. She continued that once the proposals are presented to the Advisory Group; the members will have the opportunity to decide whether they will endorse them at the meeting in May. She explained that there was some confusion during this process last time about who actually spearheads the effort and how to get it vetted; through the Governor's office or the legislature. She continued that the updated legislative request form now includes an area to indicate whether it is a joint proposal and which agency will take the lead from a budget perspective. She informed the members that the Advisory Group doesn't have a way to initiate legislative proposals, so it has to come through an agency/organization.

Deb pointed out that what happened last time will limit their ability to pursue initiatives because the organization she represents (the Department of Corrections), can't carry the funding in their budget and it may create some barriers for other departments as well. Dana responded that the BCA asked for the Advisory Group's support of the Predatory Offender Repository initiative; but because this was also a high priority for the Department of Public Safety; it was vetted through the Governor's office. A member asked if an initiative is county based, how that works for funding. Dana responded in that scenario they would recommend utilizing the legislative representatives on the Advisory Group, and asking them if they would be willing to advocate for those initiatives. Paul added that it is important for both county and city entities to have the Advisory Group, advocating for them as he believes there will be less state and more county

and city requests coming in February. Dana stated that the Harassment Restraining Order (HRO) bill and legislative funding to create a system is a really good example of success through local agency effort. She stated that it wasn't a Department of Public Safety initiative, but local agencies were advocating for it; and by going through the chairs of the committees; it was passed; and the funding was appropriated to the BCA and the courts budget to implement. Brian Johnson added that he and Paul have talked about the funding issue quite a bit. He stated that in February, they may receive several funding requests which he proposed the members prioritize so when they go to the legislature they are advocating for the most important initiatives.

Deb asked if there was any other discussion and there was none. She thanked the subcommittee for the timeline and their work. A member asked if they (the members) should adopt the timeline. The members agreed and a motion was made and seconded to adopt the funding request timeline. A vote was taken. **The motion carried.**

Advisory Group "Branding" Focused Conversation

Amy stated that branding for the Advisory Group is the other task their subcommittee has undertaken and they have been discussing how to move beyond CrimNet. She believes that in becoming the Criminal and Juvenile Justice Information Advisory Group, it created an identity problem because now no one recognizes who we are. She stated that what she hopes to accomplish today is how to create a clear and concise identity statement. She began by asking the members "who are we" and "what do we do"? She also distributed a copy of the language from the PURPOSE section in the bylaws for the members to consider during the discussion.

"The Criminal and Juvenile Justice Information Advisory Group serves as Minnesota's advisory group on statewide criminal justice information policy and funding issues. The group will study and make recommendations to the governor, the courts, the legislature, and other key stakeholders on criminal justice information policy and funding issues. The scope of criminal justice policy issues includes data practices, individual privacy rights, and data on race and ethnicity; information-sharing at the local, state, and federal levels; technology education and innovation; the impact of proposed legislation on the criminal justice system related to information systems and business processes; and data and identification standards."

The members discussed the questions and responded:

Who are we?

- For prosecutors and county attorneys – an essential voice
- Represent all users of systems
- Leading change in the criminal justice community
- Our Goal is to add consistency to criminal justice systems
- Future focused/Solution focused – leads to success
  - Civil Commitment
  - Index
- Voice about policy – assessing are systems a good deal or not
- Support the legislature with policy decisions
- Understand from a broader perspective
- Set technical standards; e.g., audits
- Vetting
- Data Sharing & Information

Challenges:

- Silos, barriers to sharing

Who is missing from the group?

- Private industry
- Technology industry
- General public advocate (objective)
- Dispatchers

- Records
- Statutory limitations on members (imbalance)
- Academia
- Lobbyists

Who are the natural partners?

- Office of Justice Programs

Opportunity?

- Data Practices
- Legislative community
- Prioritizing in response to community discussion as reflected in the press
- Member(s) who track the policy issues to legislature and provide opportunity for this group to educate about the good and the bad
- Brainstorm the policy issues

Who is in-between?

- The Press – major player in information

Parking Lot

- Results say change should be made in law/policy

Amy asked how many of the members were aware that the Advisory Group has a webpage, noting that even among the members, do we know who we are. Amy stated that CrimNet was catchy and challenged the members to think of a new nickname for the group. The members shared their thoughts:

New Nickname

- Focus on the Justice Information part of who we are
- Communicate this info to our agencies
- Reconvene the subcommittee
- Create an awareness that this is the group to go to
- Introduction of the Advisory Group Chairs to the legislature – Standing activity, done annually

The members discussed ways of creating an awareness of the Advisory Group; the need to prioritize their focus to match their capacity; the importance of their role to promote information sharing; and the responsibility information sharing brings. The members asked that the website link be added to the documents distributed to them so they know where to find it.

The website link: https://dps.mn.gov/divisions/bca/boards-committees/cjji-advisory-group/

Deb thanked the members for their discussion, adding that future discussion will be continued.

As the members finished the branding discussion, Lolita Carver Davis arrived to the meeting. Deb welcomed her and asked her to introduce herself. Lolita introduced herself, stating she has worked for the State of Minnesota for 15 years, of which the first 5 years she was a volunteer. She stated that she is here for two reasons, the first is professionally; she works with pre-release clientele helping them transition back into the community by providing them with employment opportunities, and is serving Hennepin and Ramsey Counties. She stated the second is personal; she is a lifetime learner and believes there is so much knowledge around this table and is excited to have the opportunity to learn from everyone. Roundtable introductions were made.

Data Practices Update

Deb reported that the next subcommittee meeting is scheduled for next Tuesday, at the Department of Corrections. She stated that they plan to follow-up on the discussion from the last Advisory Group meeting around further analyzing the survey data. She invited all interested members to attend or to let her or Dana, know if they have any questions or thoughts they would like considered during the discussion at the meeting.

Data & Identification Standards Update

Oded stated that this will be his third presentation to the members and promised he would not go through the entire presentation, in order to allow time for discussion. He reminded members that at the last meeting they started to discuss photos and fingerprints and at what point should they be captured. He noted that Jill Oliveira, publisher of the Advisory Group Extra, did a wonderful job of summarizing the last update:

The subcommittee identified two viable options for improving identification standards in the criminal justice process.

- **Photos** - Available of the subject during the criminal justice process to help ensure the party is indeed the subject.

- **Fingerprints** – Obtain two-finger prints of the subject earlier in the process to assist with identification.

He stated that he will go through the process with the members again, to be followed with a discussion.

The Task:

- From the Task Force's Identified Strategies
  – Establish uniform criminal justice data
  – Accurate identification standards

When Identification Goes Wrong:

- When A uses B's name and DOB (usually a relative) then B is charged with a crime
- If B does not know she was charged and does not appear for court a warrant is issued for B
- B is arrested the next time she has any contact with the police
- Even when the situation is fixed B has the charge on her record and she is forever linked to that case and A's criminal record and identification

The Issue(s):

- Wrong identification leads to
  – Attaching a criminal history to the wrong person
  – Issuing warrants for the wrong person
  – Arresting the wrong person
- Time and resources to untangle the person and the wrong identification – who actually committed the crime?
- Clearing your (wrong) criminal history

Our Understanding:

- Determine a common method to identify a person (having a complete record tied to the person – not having multiple "persons" which are actually the same one person).
- Data quality, ability to correctly identify offenses and the person(s) associated with those offences.
- Information is moved between systems in order to prevent errors

The Team and the Process:

- Team
  – Judge
  – Chief Law Enforcement Officer
  – Public Defender
  – Data Integrator

- Process
  - Meetings and open discussions around real-life scenarios and their outcomes

What is Identification?

- From Merriam – Webster:
  - The act of finding out who someone is or what something is: the act of identifying someone or something
  - Something that shows who a person is: a document, card, etc., that has your name and other information about you and that often includes your photograph

Current Identification Process

- CURRENTLY Depends when we identify ("level" of encounter)
  - Citation/misdemeanor Name/DOB;
  - Name/DOB, Photo;
  - Felony Name/DOB, Photo, Fingerprint; DNA

Identification Process Consideration[1]

- Depends when we identify ("level" of encounter)
  - Name/DOB;
  - Name/DOB, Photo
  - Name/DOB/ Photo, Fingerprint; DNA
  Ideas the team discussed
- Minimum requirements to identify a person
  - More than just a name/DOB
  - Fingerprints/retinal scans/DNA/Rapid DNA/Facial recognition
    - DNA in the future for identification vs. just resolving a crime

Identification Process Consideration[2]

- Ideas the team discussed
  - Practicality – we will not obtain a fingerprint of every person in contact with police
  - Fingerprint identification should be after a decision to take action
  - Follow 299c.10

Identification Process Consideration[3]

- Reliable method(s) for identification
  - Name and DOB is not sufficient; we would like at least to attach a photo (captured at the point of issuing a citation)
  - We prefer fingerprint (for all misdemeanors and above)
  - For misdemeanors (when a citation was issued) – photo at issuance, fingerprints at conviction
  - Keep process of felony name/DOB/fingerprints/proto at charge and DNA at conviction (no changes suggested)

Recommendations to the Task Force

- Vetting process with advocacy groups and the public – a few options
  - Presentations on the pros and cons of photos as first-line of criminal process identification
  - Publish the recommendations for public comments on a website
- Collecting feedback and creating final recommendations
- Singular or highly integrated Criminal Justice System

Final Comment

- Outcome: " The Right Information, To the Right People, At the Right Time"

Advisory Group Meeting Minutes   August 11, 2017

- A correct identification at the beginning of the criminal justice process will solve many current issues.

Oded concluded his presentation and the members discussed the issues arising from misidentifications; the need to quantify how big the issue is; the need to quantify what the impact is; and at what point are photos/fingerprints captured. Deb segued the floor to Dana, who informed the members that money has been set aside in the BCA's budget, to move forward with contracting a facilitator from Management Analysis and Development (MAD), to work with the subcommittee on a process. Deb proposed that the subcommittee could put together a proposal to present to the members. A motion was made and seconded for the subcommittee to work with Dana, who will help them obtain a facilitator to further vet the issues and bring back a proposal to the members. A vote was taken. **The motion carried.** The members requested that the subcommittee also consider the importance of addressing data practices; knowledge of the technologies (what is available); incorporating an audit trail; and our message is not to infringe upon, but to protect the public.

Other Business

Deb asked the members if there was any other business for discussion and as there was no further discussion, she requested a motion to adjourn. A motion was made and seconded to adjourn. A vote was taken. **The motion carried.**

Next Meeting:

Friday, November 3, 2017
9:00 a.m. – 11:00 a.m.
Minnesota BCA, Room W249

The meeting adjourned.